REMARKS/ARGUMENTS

This application has been carefully considered in light of the non-final office action mailed April 04, 2005. As a result, minor amendments have been made to the specification and the claims in order to place the application in condition for formal allowance.

Claims 1-10 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In this respect, claims 1 and 4-10 have been amended to overcome this grounds for rejection. Therefore, reconsideration and withdrawal of this grounds for rejection is respectfully solicited.

Claims 5, 6, 7, 9 and 10 have been rejected for various informalities that are believed to be corrected by the amendments made thereto with this response.

Claims 1 and 4-10 have been rejected under 35 U.S.C. 102(e) as being directly anticipated by US Patent 6,871,751 to Kerns et al. Claim 4 is rejected in the alternative under 35 U.S.C. 103(a) as being obvious over Kerns et al. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being obvious over Kerns et al when further considered with the teachings of US Patent 5,843,128 to Wexler.

In rejecting claims 2 and 3, the Examiner has noted that the structures disclosed in Kerns et al and Wexler show a tip or

nipple that is thinner than the member surrounding the tip. However, the material used to form the tip and surrounding member is the same material and thus has the same Shore hardness rating. That is, the material of Wexler is relied on to teach a tip hardness of less than Shore 50 A, but there is no suggestion or teaching in either reference to have the surrounding member formed of a material having a greater Shore hardness, as is the case with the present invention. Changing the thickness of a material does not teach a concept of changing a hardness factor of the material. Therefore, absent some teaching in the references that would suggest the desire or need to have the tip and the surrounding member of different hardness and wherein the hardness of the surrounding area is of a greater value, it is respectfully submitted that they do not anticipate applicant's invention.

As taught in the present application, it is important to have a nursing device wherein the surrounding member to a nipple or tip is of a greater Shore hardness so that the stimulus to a baby's lips is more similar to a stimulus provided by the maternal areola. In this manner, nursing on the devices of the present invention more closely simulate natural nursing. See the discussions at page 1, lines 18-21 and page 4, lines 1-10, of the present application.

As the prior art does not teach or suggest the different

Shore hardness of the elements of a nursing device and do not suggest a need to provide a more natural areola stimulation, it is submitted that they do not anticipate the present invention as currently claimed. The references also do not teach the relationship between the skirt, flange and openings of the member surrounding the tip nor the axial movement of tip relative to the surrounding member as set forth in the dependent claims. Therefore, the claims depending from claim 1 are believed to define inventive features not suggested in the art.

An earnest effort has been made to place this application in condition for formal allowance, which action is respectfully solicited. Should the Examiner have any questions concerning the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney-of-record for purposes of scheduling a personal interview.

Respectfully Submitted

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